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April 13

CONCORD, N.H.

Honorable Fred Kelley  
House of Representatives  
State House  
Concord, New Hampshire

Dear Mr. Kelley:

You have requested information from this office relative to whether the Fish and Game Fund may be used for the payment of porcupine and bear bounties.

In accordance with the present law found in Revised Laws, chapter 240, sections 40 and 41, the Fund may not be used for this purpose. It is possible to amend these sections and provide that bounties could be paid from the Fish and Game Fund. However, there are two factors which should be considered before an attempt is made to so amend the existing law. First, the bounties paid on bear and porcupines are not considered to be conservation measures. Second, we must consider two separate federal laws which make available to this State money for the propagation and conservation of fish and game animals. These laws may be found in Title 16, sections 6, 669 and 777 of the U.S. Code, and are generally termed the Pittman-Robertson Act and the Dingle-Johnson Act. Both of the above cited laws provide a specific prohibition against the diversion of money received from fees paid by hunters and fishermen for any other purpose than the administration of the Fish and Game Department.

I hope that the above may be of some assistance to you.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB,Jr/T